

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2008-7800

Issue No: 2009; 4031

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 18, 2008

Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon claimant's request for a hearing to protest the denial of claimant's application for MA and SDA. After due notice, an in-person hearing was held on March 18, 2008. Claimant was represented by [REDACTED]

ISSUE

Whether claimant meets the disability criteria for Medical Assistance (MA)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) On 6/22/07, claimant applied for MA-P and SDA with the Michigan DHS.
- (2) Claimant applied for three months of retro MA.

(3) On 7/18/07, MRT denied. The MRT form indicates a denial of both MA and SDA. At the administrative hearing, ██████████ of DDS testified that the form was in error and that in fact claimant had been approved SDA. The department and the department's representative agreed that claimant would be issued supplemental benefits back to the application date of 6/22/07, if otherwise eligible. Claimant subsequently inquired without the assistance of her representative as to the status of the SDA. Claimant did not copy the local office and did not have her representative contact the undersigned Administrative Law Judge or the local office. As the communicate was considered ex parte communication, it was not made part of the record. No subsequent correspondence was received from ██████████

(4) On 7/27/07, the department issued notice.

(5) On 10/23/07, claimant filed a hearing request.

(6) On 2/15/08, SHRT denied claimant.

(7) At the conclusion of the hearing, the record was held open at claimant's request for the submission of additional medical records. Medical records were received and submitted to the State Hearing Review Team (SHRT), and on 8/11/08, SHRT once again denied claimant.

(8) The undersigned Administrative Law Judge was on an extended leave from 8/1/08, returning full time 2/1/09. None of the ALJ's pending cases were reassigned while on leave; no protected time afforded before or after leave for issuing decisions.

(9) On 2/10/2010, the undersigned Administrative Law Judge received verification from DDS that claimant was active Social Security payments based on disability. Claimant's disability onset date is identified as 12/26/06. There are no months left for a substantive review in the case herein.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Because of the Social Security Administration determination, it is not necessary for the Administrative Law Judge to discuss the issue of disability. PEM, Item 260; PEM, Item 261.

The department is required to initiate a determination of claimant's financial eligibility for the requested benefits, if required by DHS policy and procedure.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant meets the definition of medically disabled under the Medical Assistance program as of the 3/18/08 application date, including any retro MA months, if otherwise eligible, and as permitted under policy and procedure.

The department shall review this case in accordance with its usual policy and procedure.

As noted in the Findings of Fact, there was no SDA substantive issue as testimony at the administrative hearing indicated pursuant to DDS's personal appearance by way of conference phone that claimant was in fact approved SDA on 7/18/07. The department and claimant's representative stipulated as to back payments.

/s/

Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 12, 2010


Date Mailed: February 24, 2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JS/cv

cc:

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